

United States Court of Appeals
For the First Circuit
MANDATE

No. 05-1416

03-12355
J. Gordon

THOMAS BUFFONGE,

Plaintiff, Appellant,

v.

Richard Cushing Donovan, Clerk

[Signature]
Deputy Clerk

THE PRUDENTIAL INSURANCE CO. OF AMERICA;
GETRONICS WANG CO., LLC,

Date: NOV 04 2005

Defendants, Appellees.

JUDGMENT

Entered: October 14, 2005

This cause came on to be heard on appeal from the United States District Court for the District of Massachusetts, and was argued by counsel.

Upon consideration whereof, it is now here ordered, adjudged and decreed as follows: The district court's grant of summary judgment to Prudential Insurance Co., and Getronics Wang, Co., LLC, is reversed. The matter is remanded to the district court with instructions to enter judgment for Thomas Buffonge on his claim that the denial of benefits was arbitrary and, as the appropriate remedy, to remand the case to the plan administrator for proceedings consistent with the opinion issued this day. This includes the plan administrator taking new evidence should any party wish to submit the same. Costs are awarded to Thomas Buffonge.

By the Court:

RICHARD CUSHING DONOVAN

Richard Cushing Donovan, Clerk

[Certified copies to Hon. Nathaniel M. Gorton and Ms. Sarah Thornton, Clerk, United States District Court for Massachusetts. Copies to Mr. Notis, Ms. Bertrand, Mr. Bogaert.]